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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)	CR No.: 3-07-70083 MEJ
)	
Plaintiff,)	STIPULATION AND [PROPOSED]
)	<u>ORDER EXCLUDING TIME</u>
v.)	
)	
ERNESTO R. RODRIGUEZ,)	
)	
Defendant.)	

On February 28, 2007, the parties in this case appeared before the Court for a detention hearing. At that time, the parties requested and the Court agreed to continue the hearing to March 14, 2007. The parties further stipulated that pursuant to Federal Rule of Criminal Procedure (FRCP) 5.1(d), the time limits set forth in FRCP 5.1(c) be excluded from February 28, 2007, to and including March 15, 2007. The parties agree that – taking into account the public interest in prompt disposition of criminal cases – good cause exists for this extension. Defendant also agrees to exclude for this period of time any time limits applicable under Title 18, United States Code, Section 3161. The parties represented that granting the continuance was the

reasonable time necessary for continuity of defense counsel and effective preparation of defense counsel, taking into account the exercise of due diligence. See 18 U.S.C. § 3161(h)(8)(B)(iv).

The parties also agreed that the ends of justice served by granting such a continuance outweighed the best interests of the public and the defendant in a speedy trial. See 18 U.S.C. § 3161(h)(8)(A).

SO STIPULATED:

SCOTT N. SCHOOLS
Interim United States Attorney

3/2/2007
DATED: _____

/s/ Derek Owens

DEREK OWENS
Special Assistant United States Attorney

3/14/2007
DATED: _____

/s/ Gayle Gutekunst

GAYLE GUTEKUNST
ROBERT M. AMPARAN
Attorneys for Enrique Rodriguez

For the reasons stated above, the Court finds that an exclusion of time from February 28, 2007, to and including March 15, 2007, is warranted and that the ends of justice served by the continuance outweigh the best interests of the public and the defendant in a speedy trial. See 18 U.S.C. §3161 (h)(8)(A); FRCP 5.1(d). The failure to grant the requested continuance would deny Mr. Rodriguez continuity of counsel and would deny defense counsel the reasonable time necessary for effective preparation, taking into account the exercise of due diligence, and would result in a miscarriage of justice. See 18 U.S.C. §3161(h)(8)(B)(iv).

SO ORDERED.

DATED: _____

THE HON. MARIA-ELENA JAMES
United States Magistrate Judge